

REMARKS

Claims 5-7, 11 and 19 have been canceled and claims 24-25 have been added. Claims 1-4, 8-10, 16-18, 20-25 are pending and their consideration and allowance are respectfully requested.

The Official Action objects to the form of claim 1, which has been amended. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 1-2, 5-7, 16, and 19-21 were rejected as anticipated by UEDA 6,393,940. Claims 3, 18, and 22 were rejected as unpatentable over UEDA in view of PRUSSEN et al. 4,371,279. Claims 4, 8, and 17 were rejected as unpatentable over UEDA in view of THUERIG 5,445,419. Claim 23 was rejected as unpatentable over UEDA in view of LIN et al. 5,964,809. Claims 9-10 were rejected as unpatentable over UEDA in view of DINGMAN 6,183,136. Claim 11 was rejected as unpatentable over UEDA in view of SNYDER et al. 4,311,319. The claims have been amended and reconsideration and withdrawal of the rejections are respectfully requested.

Amended claims 1 and 16 provide that the cartridge (5) is received in a recess (7) of the pedal, where the recess is open at both ends and where the recess has threading coacting with threading on the cartridge to permit continuous adjustment of the transverse position of the cartridge in the recess between two operating positions (e.g., see Figures 4 and 5 of the present

application). A lock nut (15) is threaded onto the cartridge and is accessible through the other end of the recess, where the lock nut has a loose position that permits transverse movement of the cartridge between the two operating positions and a tight position that engages the positive locking means with each other to prevent transverse movement of the cartridge in the recess.

By contrast, UEDA discloses that the recess 31 is closed at one end (the right end in Figure 5 of UEDA), and that the cartridge 39 has but one operating position, namely the position shown in Figure 5. In any other position, the pedal is not operable. The lock nut 35 is threaded on the axle 20, not on the cartridge 39 and is not accessible through the other end of the recess. Thus, UEDA does not disclose a recess that is open at both ends, does not disclose a cartridge that is movable between two operating positions, and does not disclose a lock nut that is threaded onto the cartridge and is accessible through the other of end of the recess, where the lock nut has a loose position that permits transverse movement of the cartridge between the two operating positions and a tight position that engages the positive locking means with each other to prevent transverse movement of the cartridge in the recess.

The other references have been carefully reviewed and it is not seen that they make up for these shortcomings of UEDA.

New claims 24 and 25 are allowable because the references do not disclose or suggest that the tight position of

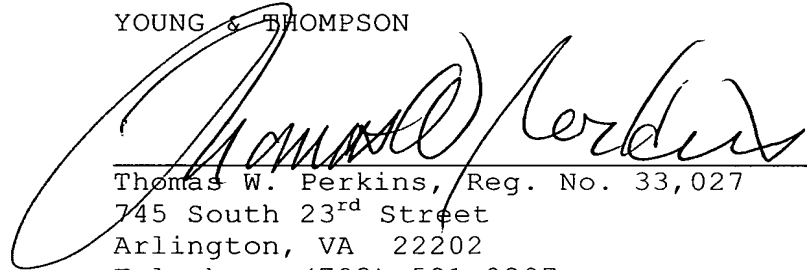
the lock nut holds the cartridge in a further operating position in the recess that is between the two operating positions. See the specification at page 3, lines 15-18 and page 9, lines 7-8.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

A large, stylized handwritten signature in black ink, appearing to read 'Thomas W. Perkins', is written over the printed name and address.

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